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# FMC Corporation

Federal Express

March 24, 2015

RECEIVED ON:

Dennis J. McLerran  
Regional Administrator, Region 10  
U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101-1128

APR 01 2015  
ORC  
EPA Region 10  
Office of the Regional Administrator

Re: FMC Operable Unit of the Eastern Michaud Flats Superfund Site  
Unilateral Administrative Order for Remedial Design and Remedial Action  
EPA Docket No. CERCLA-10-2013-0116  
Financial Test to Demonstrate Financial Assurance

Dear Mr. McLerran:

I am the chief financial officer of FMC Corporation, 1735 Market Street, Philadelphia, PA, 19103 ("FMC" or "the Company"). This letter is in support of FMC's use of a financial test to provide the performance guarantee required under the Unilateral Administrative Order (UAO) referenced above. The UAO requires FMC to conduct remedial design and remedial action work at the FMC Operable Unit of the Eastern Michaud Flats Superfund site. Section XIX of the UAO requires that FMC provide a performance guarantee in the amount of \$57.2 million to ensure completion of the work. UAO Paragraphs 67(e) and 69 authorize FMC to provide the performance guarantee through the financial test set forth in the RCRA regulations at 40 C.F.R. §264.143(f) as applied to the UAO remedial action requirements. The information provided below and in the accompanying report from FMC's independent certified public accountant provide the information required under 40 C.F.R. §264.143(f)(3) and the UAO demonstrating that FMC meets the financial test criteria.

1. The dollar amount of financial assurance required by UAO Paragraph 67 and covered by FMC's use of the financial test is \$57,200,000.
2. FMC is a signatory to the following CERCLA settlements (other than the UAO) under which FMC is providing financial assurance to EPA through the use of a financial test. The total dollar amount of such financial assurance covered by a financial test is equal, in the aggregate, to \$37.4 million, and is shown for each such settlement as follows:



Civil Action / Docket	Site	\$ in Millions
5199CV00054	U.S. EPA Region 3 (Front Royal - OU-7 ROD)	\$ 20.9
5199CV00054	U.S. EPA (Front Royal - NTCRA Basins)	\$ 4.6
5199CV00054	U.S. EPA (Front Royal - TCRA Bldgs)	\$ 0.3
5199CV00054	U.S. EPA Region 3 (Front Royal - NTCRA Bldgs)	\$ 2.6
5199CV00054	U.S. EPA Region 3 (Front Royal - Oper Unit 10)	\$ 5.2
01-CV-2946[KSH]	U.S. EPA, Region 2 (Higgins Disposal)	\$ 3.0
CERCLA-10-2011-0032	U.S. EPA Region 10 (Gay Mine)	\$ 0.8
		<u>\$ 37.4</u>

3. FMC is the owner and/or operator of the following facilities for which FMC has demonstrated financial assurance through a financial test, including but not limited to hazardous waste Treatment, Storage, and Disposal (“TSD”) facilities under 40 CFR parts 264 and 265, Municipal Solid Waste Landfill (“MSWLF”) facilities under 40 CFR part 258, Underground Injection Control (“UIC”) facilities under 40 CFR part 144, Underground Storage Tank (“UST”) facilities under 40 CFR part 280, and Polychlorinated Biphenyl (“PCB”) storage facilities under 40 CFR part 761. The total dollar amount of such financial assurance covered by a financial test is equal, in the aggregate, to \$18.7 million, and is shown for each such facility as follows:

EPA ID Number	Facility	\$ in Millions
MDD0030781875	FMC Baltimore, MD	\$ 6.2
NCD000771964	FMC Bessemer City, Lithium Division, Bessemer City, NC	\$ 5.9
WYD0069811404	FMC Kemmerer, WY former Coke Plant	\$ 1.0
NJD009448432	FMC Malaga, NJ former Pesticide Formulations Plant	\$ 0.2
CAD009128471	FMC Richmond, CA Former Pesticide Formulation Plant	\$ 0.3
CAD000629998	FMC Fresno, CA - Former Pesticide Formulations Plant	\$ 0.7
CAD077184745	FMC San Jose, CA Former United Defense Test Track Area	\$ 1.3
CAD077184745	FMC San Jose, CA Former United Defense Central Plant	\$ 3.1
		<u>\$ 18.7</u>

FMC is the owner and/or operator of the following facilities for which liability coverage for both sudden and nonsudden accidental occurrences are being demonstrated through the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The annual aggregate liability coverage demonstrated for these facilities is the maximum amount of \$10 million:

EPA ID Number	Facility	\$ in Millions
NCD000771964	FMC Bessemer City, Lithium Division, Bessemer City, NC	\$ 2.0
WYD0069811404 40.010	FMC Kemmerer, WY former Coke Plant	\$ 10.0
NJD009448432	FMC Malaga, NJ former Pesticide Formulations Plant	\$ 2.0



4. FMC guarantees the CERCLA settlement obligations and/or the MSWLF, TSD, UIC, UST, PCB, and/or other facility obligations of the following guaranteed parties. The total dollar amount of such CERCLA settlement and regulated facility obligations so guaranteed is equal, in the aggregate, to \$0 and is shown for each such settlement and/or facility as follows: None.

5. The Company is required to file a Form 10K with the Securities and Exchange Commission (“SEC”) for the Company’s latest fiscal year.

6. The Company’s fiscal year ends on December 31. I hereby certify that the figures for the following items marked with an asterisk are derived from the Company’s independently audited, year-end financial statements for its latest completed fiscal year, ended December 31, 2014, and further certify as follows:

A. The aggregate total of the dollar amounts shown in Paragraphs 1 through 4 above equals \$123.3 million.

B. The current rating of the Company’s senior unsecured debt is BBB+ as issued by Standard and Poor’s and Baa2 as issued by Moody’s Investors Service.

\*C. Company’s tangible net worth equals: \$931.1 million

\*D. Company’s total assets in the U.S. equal (required only if less than 90% of Company’s assets are located in the U.S.): Total Assets in U.S. are less than 90%. Total Assets in U.S. are at least 6 times greater than the aggregate closure costs. Total Long Lived Assets in U.S. are \$987.5 million.

E. Is line C at least 6 times line A? Yes

F. Is line C at least \$10 million? Yes

G. Are at least 90% of Company’s assets located in the U.S.? No.  
If “No,” complete line H.

H. Is line D at least 6 times line A? Yes

I hereby certify that, to the best of my knowledge after thorough investigation, the information contained in this letter is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mr. Dennis McLerran  
FMC OU UAO Financial Assurance  
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Paul Graves  
Executive Vice President and Chief Financial Officer

3/24/15  
Date

Enclosures (2)

cc (w/ encl):

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